UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,647	10/13/2000	Walter Hans Meissner	2925-0438P	7894

30594   7590   06/17/2004

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER
EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	*09/689,647*	MEISSNER ET AL.
	Examiner	**Art Unit**	
	Bradley Edelman	2153	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED   FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

 (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

 (b) ☐ they raise the issue of new matter (see Note below);

 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

 NOTE: *See Continuation Sheet.*

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

 The status of the claim(s) is (or will be) as follows:

 Claim(s) allowed: _____.

 Claim(s) objected to: _____.

 Claim(s) rejected: *1-15*.

 Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

FRANTZ B. JEAN
PRIMARY EXAMINER

Continuation of 2. NOTE: The amendment to claim 15 would change the meaning of the claim, which would require further consideration

Response to Arguments

Applicant's arguments filed on May 12, 2004 have been fully considered but they are not persuasive. Applicant has argued the following:

a.   Moberg et al. fail to disclose linking a plurality of layer contexts based on addresses and encoding each layer context of the plurality of layer contexts after the step of linking is complete, as recited in claim 1.

b.   Moberg et al. fail to disclose combining unformatted elements to link a plurality of layer contexts based on addresses and using a method based on the combining step on the unformatted elements to form a formatted layered message, as recited in claim 15.

In considering (a), Applicant contends that Moberg et al. fail to disclose linking a plurality of layer contexts based on addresses and encoding each layer context of the plurality of layer contexts after the step of linking is complete, as recited in claim 1. Examiner respectfully disagrees, primarily for the reasons stated previously in the final office action. Examiner emphasizes that the term "layer context" a broad and vague term that may be interpreted in various ways. In addition, the term "encoding" is also broad. Applicant has argued that Moberg does not disclose that the same elements that are linked in the system taught by Moberg are also encoded. However, the step of "encoding" can be anything from converting a message in computer language into an electrical transmission signal, to encrypting a message using a complex encryption algorithm. Thus, Moberg discloses encoding the linked layer contexts because

messages are sent across a transmission medium, and therefore undergo various forms of encoding after the contexts are linked.

Applicant also argues that the chained functions taught by Moberg are not the same as the layer contexts mentioned in the claims. However, the term "layer context" is a broad and vague term that can be read to mean chained functions, where the chained functions are associated with various network protocol layers, as is described by Moberg.

In considering (b), Applicant contends that Moberg et al. fail to disclose combining unformatted elements to link a plurality of layer contexts based on addresses and using a method based on the combining step on the unformatted elements to form a formatted layered message, as recited in claim 15. Examiner respectfully disagrees, primarily for the reasons stated previously in the final office action. Examiner emphasizes that the term "layer context" a broad and vague term that may be interpreted in various ways. In addition, the term "unformatted" is also broad. Applicant further argues that the chaining of functions of Moberg et al. is no the same as combining unformatted elements because the functions themselves have at least some format. Nonetheless, messages that have some format to begin with may still be unformatted in a different context. In the Moberg system, the functions are chained and are formatted when they are processed and encoded. Thus, Moberg discloses the system of the present application, as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FRANTZ B. JEAN
PRIMARY EXAMINER

BE
June 14, 2004